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In the UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Roswell J. Ruka

Application No. 10/663,949

Atty. Docket No: 2003P07614US

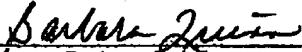
Filed: 09/16/2003

Title: PLASMA SPRAYED CERAMIC-METAL FUEL ELECTRODE

Examiner: Keith D. Walker

Art Unit: 1745

► FACSIMILE ATTN TO: Keith D. Walker FAX NO.: 571-273-8300

NOTICE OF APPEAL AND APPELLANT'S BRIEFCommissioner for Patents
Alexandria, VA 22313**Certificate of Transmission under 37 CFR 1.8**I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on
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Barbara Quinn

Typed or printed name of person signing Certificate

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PTO/SB/21 Transmittal (1 pg)

PTO/SB/31 Notice of Appeal (2 pgs – original & copy)

Copies of Notice of Appeal and Fee Transmittal dated June 5, 2006 (2 pgs)

Appellant's Brief in Response to Office Action bearing "date mailed" of 08/25/2006 (17 pgs)

Declaration of George R. Folser under 37 C.F.R. § 1.31 (4 pgs)

Number of pages being transmitted (Including this cover sheet): 27 pgs

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Orlando Florida 32828Tel: 407-736-2472
FAX: 407-736-6440

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

27

Application Number

10/663,949

Filing Date

09/16/2003

First Named Inventor

Roswell J. Ruka

Art Unit

1745

Examiner Name

Keith D. Walker

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OCT 31 2006

Attorney Docket Number

2003P07614US

ENCLOSURES (check off that apply)

- Fee Transmittal Form
 Fee Attached
 Amendment / Reply
 After Final
 Affidavits/declaration(s)
 Extension of Time Request
 Express Abandonment Request
 Information Disclosure Statement
 Certified Copy of Priority Document(s)
 Reply to Missing Parts/ Incomplete Application
 Reply to Missing Parts under 37 CFR1.52 or 1.53

- Drawing(s)
 Licensing-related Papers
 Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation Change of Correspondence Address
 Terminal Disclaimer
 Request for Refund
 CD, Number of CD(s) _____
 Landscape Table on CD

- After Allowance Communication to TC
 Appeal Communication to Board of Appeals and Interferences
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
 Proprietary Information
 Status Letter
 Other Enclosure(s) (please identify below):

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Remarks

Notice of Appeal, Appellant's Brief and Declaration of George R. Folser in response to Office Action bearing "date mailed" of 08/25/2006 are being filed.

Fees were previously paid with Notice of Appeal dated June 5, 2006 (see attached copies.)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

SIEMENS

Signature

Printed Name

John P. Musone

Date

October 31, 2006

Reg. No.

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Barbara Quinn

Date

October 31, 2006

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NO. 4877 P. 3

OCT 31 2006

PTO/SB/31 (09-04)

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<p>I hereby certify that this correspondence is being transmitted on <u>October 31, 2006</u> via facsimile number <u>(571) 273-8300</u></p> <p>Signature _____</p> <p>Typed or printed name <u>Barbara Quinn</u></p>	In re Application of R. Ruka et al.	
	Application Number 10/683,949	Filed 09/16/2003
For PLASMA SPRAYED CERAMIC-METAL FUEL ELECTRODE		
Art Unit 1745	Examiner Keith D. Walker	
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <u>\$ 0</u></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$ </u></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u> </u>. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.138(a) (PTO/SB/22) is enclosed.</p>		
<p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,961</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.</p> <p>Registration number if acting under 37 CFR 1.34. _____</p>		
 <u>John P. Musone</u> Typed or printed name <u>407-736-6449</u> Telephone number <u>October 31, 2006</u> Date		
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>		

 *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<p>I hereby certify that this correspondence is being transmitted on October 31, 2006 via facsimile number (571) 273-8300</p> <p>Signature _____</p> <p>Typed or printed name _____ Barbara Quinn</p>	In re Application of R. Ruka et al.	
	Application Number 10/663,949	Filed 09/16/2003
	For PLASMA SPRAYED CERAMIC-METAL FUEL ELECTRODE	
Art Unit 1745	Examiner Keith D. Walker	
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The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ <u>0</u>		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ <u> </u> <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. <input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u> </u> . I have enclosed a duplicate copy of this sheet. <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (From PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,961</u> . <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.		
 <u>John P. Musone</u> Typed or printed name <u>407-736-6449</u> Telephone number <u>October 31, 2006</u> Date		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.		

*Total of forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)
2003P07614US

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Signature _____

Typed or printed
name Barbara Quinn

In re Application of

R. Ruka et al.

Application Number

10/663,949

Filed

09/16/2003

For PLASMA SPRAYED CERAMIC-METAL FUEL
ELECTRODEArt Unit
1745Examiner
Keith D. Walker

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account.
I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment
to Deposit Account No. 19-2179. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(e) (PTO/SB/22) is enclosed.

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I am the

applicant/inventor.

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record.

Registration number 44,961.

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____



Signature _____

John P. Musone

Typed or printed name

407-736-6449

Telephone number

June 5, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

*Total of _____ forms are submitted.

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$) 500
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Complete if Known

Application Number	10/663,949	RECEIVED
Filing Date	09/18/2003	CENTRAL FAX CENTER
First Named Inventor	Roswell J. Ruka	OCT 31 2006
Examiner Name	Keith D. Walker	
Art Unit	1745	
Attorney Docket No.	2003P07614US	

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify) : _____

Deposit Account Deposit Account Number: 19-2179 Deposit Account Name: Siemens Corporation

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

Under 37 CFR 1.16 and 1.17

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Small Entity</u>	
				<u>Fee (\$)</u>	<u>Fee (\$)</u>
-20 or HP=	x	=	_____	50	25
HP = highest number of total claims paid for, if greater than 20.				200	100
Indep. Claims	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	360	180
-3 or HP=	x	=	_____	<u>Multiple Dependent Claims</u>	
HP = highest number of independent claims paid for, if greater than 3.				<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(e).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x	=	_____

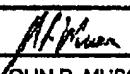
4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Fee for Brief in Support of an Appeal

500

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	44,961	Telephone	407-736-6449
Name (Print/Type)	JOHN P. MUSONE			Date	June 5, 2006

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